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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/675,892	09/29/2000	Bruce L. Gibbins	01005.0111 - 41946.247727	3382

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 01/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,892

Applicant(s)

GIBBINS ET AL.

Examiner

Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

Sharon N. Thornton
SHARON N. THORNTON
PATENT ANALYST

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification does not specifically disclose the composition of TEMED.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. TEMED is not defined in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nangia ('190).

Nangia discloses a membrane comprising a scaffolding polymer network, a nongellable polysaccharide, an active agent (col.3, lines 45-47 and col.4, lines 55-60), guar gum, honey locust bean gum, white clover, bean gum, and carob locust bean gum (col.4, lines 5-12), a polyacrylamide (col.3, lines 52-55), a water loss control agent, a plasticizer, and a hydration control agent (col.4, lines 20-26; col. 5, lines 38-40; and col.6, lines 35-42), a matrix shaped like a wound dressing (col.3, lines 40-45), a cross

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linking catalyst, TEMED (col.5, lines 45-55), dehydrating and rehydrating the sheet (col.6, line 45 to col.7, line 10, and a coating agent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained, though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 11, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nangia in view of Romans ('552).

Nangia discloses the invention substantially as claimed; however, Nangia does not disclose an active agent consisting of metals, soluble silver chloride, a stabilizing agent, or copper chloride. Romans teaches a composition for use in treating wounds comprising metals (col.2, lines 3-10), soluble silver chloride (col.3, lines 1-6), a stabilizing agent and copper chloride (col.1, line 60 to col.2, line 10). Romans further teaches that it is known to use metal ions to stabilize silver when used to deter the growth of microbes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an active agent consisting of metals, soluble silver chloride, a stabilizing agent, and copper chloride to deter the growth of microbes in the wound.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nangia and Romans as applied to claim 14 above, and further in view of Hara ('211).

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Nangia discloses and Romans teaches the invention substantially as claimed; however, neither reference discloses nor teaches the use of ferric chloride. Hara teaches a medical composition utilizing ferric chloride in an antiseptic (col.3, lines 60-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate ferric chloride with stabilizing solution to help stabilize silver and deter the growth of microbes.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamamoto ('591), Artandi ('524), Hodgson ('835), Berg ('201), and Tipton ('491) teach medical dressings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communications and (703) 306-4520 for After Final communications.


JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-

2272


LMH

January 12, 2002

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